

FEDERAL COMMUNICATIONS COMMISSION
Wireline Competition Bureau
Telecommunications Access Policy Division
445 12th St., S.W.
Washington, D.C. 20554

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July 29, 2004

Federal Communications Commission
Office of the Secretary

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In the Matter of

Request for Review by Atlantic Digital, Inc,
of Decision of Universal Service
Administrator

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CC Docket No. 96-45

Indira Rabindranathan
1241 South Maple Road
Ann Arbor, MI 48103
Fax: (734)995-0190

Dear Ms. Rabindranathan:

On May 6, 2003, Atlantic Digital, Inc. filed with the Federal Communications Commission (Commission) an appeal of an Administrator's Decision issued by the Universal Service Administrative Company (USAC) pursuant to section 54.719 *et seq.* of the Commission's rules, 47 C.F.R. §§ 54.719 *et seq.* The Administrator's Decision denied Atlantic Digital's request to waive two late filing fees and associated late payment fees.

We must inform you that your appeal fails to comply with section 54.721(b)(2) of the Commission's rules, which requires that a request for review of a decision by USAC contain "[a] full statement of relevant, material facts *with supporting affidavits* and documentation." 47 C.F.R. § 54.721(b)(2) (emphasis added). We interpret this rule to require that every factual assertion underlying the appeal be supported by an affidavit signed by an officer of the appellant, or other knowledgeable individual. In addition, section 54.721(c) requires that a copy of the request for review shall be served upon the Administrator consistent with the Commission's rules for service of documents. 47 C.F.R. § 54.721(c). Your appeal fails to include a certificate for service of process in accordance with section 1.47 of the Commission's rules, 47 C.F.R. § 1.47.¹

We do not dismiss your appeal based on these deficiencies. However, we request that you file an amended appeal that fully conforms to the Commission's requirements within two weeks of the date of this letter. Such an amended appeal will relate back to the date of the original request for review. If an amended appeal is filed more than two weeks after the date of

¹ While not a basis for this letter, we also note that the appeal fails to comply with section 54.721(a) of the Commission's rules, which requires a particular format for captions of requests for review.

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this letter, the normal filing deadlines located in section 54.720 of the Commission's rules, 47 C.F.R. § 54.720 will apply, which may bar some or all of the relief sought in this matter.

This letter ruling is issued pursuant to sections 4(i), 4(j), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 254, and authority delegated by sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291.

Sincerely,

Cathy Carpino
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau